

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

STATE OF NEVADA, ET AL

v.

UNITED STATES DEPARTMENT OF
LABOR, ET AL

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Civil Action No. 4:16-CV-00731

Judge Mazzant

LEAD

ORDER

Pending before the Court is Defendants' Emergency Motion to Stay Summary Judgment Briefing or in the Alternative to Extend Time to Respond (Dkt. #10). On October 28, 2016, the Court held an informal telephone hearing with the parties regarding the motion. Having considered the relevant pleadings, responses, and the hearing, the Court grants in part and denies in part Defendants' motion.

On October 14, 2016, Plaintiffs ("Business Plaintiffs") filed a Motion for Expedited Summary Judgment (Dkt. #7) in the 4:16-CV-732 action. Three days later, the Business Plaintiffs filed an unopposed motion to consolidate their action with 4:16-CV-731, wherein Plaintiffs ("Plaintiff States") have a preliminary injunction hearing scheduled for November 16, 2016. The Court granted the motion to consolidate the cases and made the 4:16-CV-731 action the lead case. On October 18, 2016, Defendants filed their Motion to Stay Summary Judgment or in the Alternative to Extend Time to Respond (Dkt. #10).

Defendants request that the Court stay the summary judgment motion until the preliminary injunction is adjudicated. Defendants argue such a stay would also allow them to compile and certify the administrative record. Alternatively, Defendants request the Court grant an extension of time to respond to the motion.

Business Plaintiffs contend Defendants' motion should be denied. They argue Defendants should respond to the preliminary injunction and the summary judgment under the normal response deadlines—both responses are due on October 31, 2016.

It is hereby **ORDERED** that Defendants' motion to stay summary judgment is **DENIED**.

It is further **ORDERED** that Defendants' alternative motion for extension of time to respond is **GRANTED**. The deadline for Defendants to file the administrative record and respond to the motion for summary judgment is extended to no later than later than Friday, November 18, 2016, at 5:00 PM. Any reply must be filed no later than Monday, November 21, 2016, at 5:00 PM. If necessary, the Court will schedule a hearing on the motion for November 28, 2016.

The Court will consider Business Plaintiffs' summary judgment brief as an amicus brief in support of the preliminary injunction but only for issues that overlap with the Plaintiff States. The Court also grants Business Plaintiffs the opportunity to be heard on the overlapping issues at the injunction hearing. Defendants may file a responsive amicus brief no later than Monday, November 7, 2016, at 5:00 PM.

SIGNED this 31st day of October, 2016.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE